

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

IN RE:)	
)	Case No.: 21-bk-02847
EverBuilding Group, Inc.,)	
)	Chapter 11
Debtor.)	Judge Harrison

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS January 4, 2022.
THE HEARING WILL BE January 18, 2022 AT 9 AM, COURTROOM 3, 701 BROADWAY
NASHVILLE, TENNESSEE 37203**

OBJECTION TO DEBTOR'S MOTION TO SET ASIDE DISMISSAL

The U.S. Trustee, Region 8, objects to Debtor's Motion to Set Aside Dismissal because Debtor has still not provided the required documents to the U.S. Trustee and the deadline to object to discharge has run. The Agreed Order entered on October 28, 2021, by and between the U.S. Trustee and Debtor's counsel (Docket Entry 25, "Agreed Order") required, among other things, that:

- (i) Debtor shall file its September monthly operating report by November 1, 2021, and its October monthly operating report by November 22, 2021,
- (ii) Debtor shall answer each question on the monthly operating report form and list the source for each deposit and the payee for each disbursement, and
- (iii) Debtor shall provide the U.S. Trustee a list of all constructions projects in which it has received deposits that have not been completed by November 22, 2021.

The Agreed Order provided that, if Debtor failed to comply with the provisions of the Agreed Order, Debtor's case would be dismissed without further consideration by the Court. Debtor has failed to comply with the provisions specified in the Agreed Order by failing to file his October Monthly Operating Report, failing to provide a list of all construction projects in which it has

received deposits and failing to detail the source of deposits and payee of disbursements in its September Monthly Operating Report, as indicated in the U.S. Trustee's Notice of Default. Docket Entry 34. As a result, the Court dismissed Debtor's case on December 2, 2021. Docket Entry 37. Despite Debtor's assertions in the Motion to Set Aside, no additional documents have been provided to the U.S. Trustee since the dismissal. Debtor has also failed to hire a chief restructuring officer as required by the Agreed Order and Mr. Stone, the proposed professional, has not been hired or received a retainer. There is no indication Debtor is able to reorganize.

WHEREFORE, the U.S. Trustee respectfully requests that the Court deny Debtor's Motion to Set Aside Dismissal and other such relief as may be appropriate.

Respectfully submitted,

PAUL RANDOLPH

Acting US Trustee, Region 8

/s/ Megan Seliber

MEGAN SELIBER

Trial Attorney for the U.S. Trustee

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CERTIFICATE OF SERVICE

I certify that on December 20, 2021, a copy of the foregoing document was sent electronically to registered ECF users and by first class mail, postage prepaid, to the following:

EverBuilding Group, Inc.

1038 Black Gum Ln.

Clarksville, TN 37043

STEVEN L. LEFKOVITZ

618 CHURCH ST STE 410

NASHVILLE, TN 37219

/s/ Megan Seliber

Megan Seliber